



VICTIM IMPACT PANELS

A Program Manager's How-To Guide 2010

Introduction

The Montana Department of Corrections (MDOC) victim programs manager prepared this manual as a resource for correctional program managers who desire to host Victim Impact Panels in their facilities. MDOC started a VIP program in 1998 at the Treasure State Correctional Training Center (TSCTC), an offender boot camp at Montana State Prison. This manual includes many of its “tried and true” procedures.

What is a victim impact panel?

A Victim Impact Panel is composed of two or more victims who agree to speak to offenders about the physical, psychological, and financial harm they and their loved ones have suffered because of crime. VIPs may be in a prison, but are more likely to occur as part of an offender treatment plan in community corrections facilities such as drug/alcohol treatment programs, prerelease centers, or probation and parole offices.

Victims, offenders, and program staff must carefully prepare for these intensely emotional encounters to assure the best outcome. VIPs conducted without adequate preparation are always inappropriate and may cause victims further harm. Offenders also may experience remorse and sorrow for the harm they have caused others. Support and follow-up for victims and offenders are essential.

VIPs are especially effective if the speakers are victims of the same types of crimes committed by the offenders in the audience. For example, a victim of a crime involving drunk driving would be an excellent VIP speaker in a drug or alcohol treatment facility. However, victims of all crime need a safe forum to tell their stories, and all have valuable information to share with offenders, regardless of the type of crime.

→ Note: Victims must never speak on a VIP if their actual offenders will be in the audience. Determine this in advance. A chance meeting between victim and offender could be devastating to the victim and detrimental to the offender's treatment plan. (Face-to-face meetings between victims and their actual offenders may be conducted after thoughtful, thorough preparation through the MDOC victim-offender dialogue program.)

Who benefits from a VIP?

VIPs give victims a voice in the criminal justice system. This opportunity for victims to express their feelings about the crime and its ripple effects, in a safe setting, validates their suffering, helps to restore their personal power, and promotes healing.

Some victims find purpose in their lives by encouraging offenders to face the harm they have caused others. If a victim can change the criminal thinking of even one offender, he or she can claim something positive from a devastating event.

VIPs have proven effective at bringing about positive change in offenders, even when other treatment options have failed. A VIP may be the offender's first face-to-face encounter with actual victims. Despite treatment, some offenders remain unaware of or in denial about the ripple effect of their crimes on victims, their families, and their communities. Once offenders have met "real" victims, many offenders find it difficult to continue denying how their behavior affects others. They often stop viewing themselves as the victims.

VIPs also can provide healing to offenders who are genuinely remorseful because they have an opportunity to publicly accept responsibility and apologize.

→Note: Under no circumstances should offenders ask VIP speakers for forgiveness.

A note about confrontation

Victim Impact Panels are respectful confrontations. Victims who have experienced burglary, robbery, rape, arson, assault, armed robbery, and the murders of their loved ones come prepared to tell offenders how these crimes changed their lives forever.

VIPs are intense, emotional, and usually uncomfortable, because they deal with painful situations and challenge offenders to examine how they have minimized their crimes and blamed others. However, the atmosphere is civil. All parties come to the VIP with the understanding that abuse (shouting, foul language, or blame) will not be tolerated. The goal of VIP is healing. A respectful atmosphere promotes healing.

Preparing the offender

Each facility or program will determine when a VIP is appropriate.

MDOC recommends that VIPs under this program be part of an offender treatment strategy that includes a victim-issues component. Offenders must be at least minimally aware of the harm they have caused. Otherwise, panel speakers are at risk of further harm, and participation might not benefit the offenders.

Many facility managers and treatment specialists at MDCO agree that Cognitive Principles and Restructuring II, or an equivalent offender program, is a suitable prerequisite for offender participation in a VIP, because they address victim impacts.

Treasure State Correctional Training Center created the victim impact curriculum that comprises Part 2 of this manual. Offenders who participate in this curriculum will emerge with a clear understanding of how their actions harm others. Program managers may choose to use other curricula such as *Victim Impact: Listen and Learn* from the Office for Victims of Crime, U.S. Department of Justice. See <http://www.ojp.gov/ovc/>.

At the very least, every offender who participates in a VIP should be required to write two letters first: (1) an apology letter to his or her victim, which reflects sincere remorse, takes responsibility for the crime, and does not blame others. (2) The second letter is a role-play in which the offender writes a letter to himself/herself from the victim. This forces the offender to step into the victim's shoes. Corrections professionals trained to identify criminal thinking errors should screen the letters and return them to the offender for guidance and revision. These may be case managers, treatment specialists or victim services staff.

→ Note: An offender or third party must never send an apology letters to a victim unless the victim requests it through the MDOC Offender Accountability Letter Bank. Unsolicited letters to victims can cause tremendous harm, and may be a violation of the offender's sentencing judgment and/or an order of protection issued by a court.

Offenders may request that their letters be held in the MDOC Offender Accountability Letter Bank, where victims can access them voluntarily. See MDOC Policy 1.8.3 Offender Accountability Letters.

How much will this cost?

The VIP is a victim-centered program. Its most important purpose is to aid victims in the healing process. Because victims are the intended program beneficiaries and they participate voluntarily, some people argue that they need not be paid. However, we cannot deny the enormous benefits of the VIPs to offenders and the correctional system.

DOC believes that victims who are willing to take time from their jobs, find daycare for their children, and travel to DOC facilities in their own automobiles to speak on a VIP should be reimbursed, *at least* for mileage and meals. Include an honorarium if possible.

Panel oversight: Help is available

Facilities and programs that host VIPs will be responsible for payment arrangements with speakers. The MDOC victim programs manager will provide ongoing technical assistance as money and time allow. However, MDOC does not have funding to compensate speakers. The MDOC victim information specialist can provide cost estimates. The potential benefits of VIPs for victims and offenders outweigh the financial outlay.

The victim programs manager can help each facility address safety and security of speakers, and determine (1) how it will locate, prepare, and reimburse speakers, (2) when offenders are ready to attend a panel, and (3) how often to schedule a VIP.

Selecting a coordinator

You will first need to select a VIP program coordinator. This person will organize your panel, keep records, and provide continuity. DOC recommends that the coordinator be a staff person trained to make sure the needs and concerns of the victims are first.

The program coordinator should arrange a briefing for the entire staff so that everyone understands the purpose of a VIP. The MDOC victim programs manager is available to provide technical assistance.

Selecting a facilitator

Each VIP will need a facilitator. Ideally, this person will be an experienced VIP speaker who will work with the program coordinator to invite and prepare speakers for each VIP. Together they will ensure that the offenders have adequate victim-issues training, and that their actual victims are not on the VIP. Facilitators should be offered reimbursement for travel and meals at the current state government rate, and perhaps a stipend for their extra effort. Each facility or program is responsible for working out payment agreements with VIP facilitators.

Finding speakers

The MDOC victim programs manager will help identify panel speakers, but the facility VIP coordinator is ultimately responsible for locating, inviting, scheduling, and reimbursing speakers. The coordinator can assign some of these tasks to the VIP facilitator.

Among those who can help identify potential speakers are victim/witness advocates who work under county prosecutors, law enforcement, and local probation and parole offices. Word-of-mouth is a powerful tool for locating speakers. Most VIP speakers on Montana VIPs learned about the program from other speakers.

Treasure State Correctional Training Center developed these guidelines for screening potential speakers:

1. Is the criminal justice case, including sentencing and appeals, concluded? Talking publicly about a pending criminal case could jeopardize the offender's right to a fair trial or place the case at risk for defense strategies such as change of venue.
2. Is the experience of speaking on a panel expected to be more helpful than hurtful for the victim? The VIP coordinator and/or facilitator make this determination based on interviews with the speakers.
3. Can the victim tell his or her story without significant anger, without blaming or accusing the offender, and without preaching or lecturing? A VIP is an opportunity for a victim to tell the facts of the case and how the crime has affected him/her and others. Using the VIP as a forum to vent, or to "bash" the offenders, is not appropriate.

4. Can the victim maintain focus on his or her own loss rather than focusing on the offender? Victims who appear overly invested emotionally in their offenders may not be appropriate for a VIP.

The VIP coordinator and facilitator must interview all potential speakers to assure they are emotionally ready and appropriate for this experience. Inform the speakers that you *believe* the VIP will help them, but you cannot *guarantee* success.

Speakers should observe at least one VIP before they decide whether to participate, and perhaps tour the facility so they have no surprises the day of the VIP. If an experienced VIP speaker invites a victim to participate, he or she might offer transportation and perhaps a meal together the day of the panel.

Speakers must always be free to decline a VIP if the facility, schedule, or audience does not feel right for them. Be prepared for an experienced speaker to decline an invitation to speak on a particular date. Perhaps it is the anniversary of the crime (including a loved one's death), or a victim's birthday.

Speakers sometimes reach a point in their healing when participation in the VIP program is no longer helpful. You may offer them the opportunity to become a VIP facilitator, but they may just need to leave the program entirely. Seasoned volunteers make excellent facilitators.

How often?

Availability of speakers and program or facility offender length-of-stay probably will determine the frequency of a VIP. Ideally, every offender will attend at least one. Each VIP is unique, so attending more than one VIP certainly would not be a waste of time for an offender. Speakers need to decide for themselves how often they are comfortable participating in a VIP. Generally, once a month is enough for each speaker.

Media and visitors

Each facility should establish its own media and visitation guidelines. If you allow media to attend a VIP, require that they make their requests in advance so speakers have sufficient time to opt out. Respect victims' decision not to participate in a VIP with media present. Most victims value their privacy and may not feel safe on TV.

Newspaper coverage might be more acceptable to some VIP speakers, if the reporter agrees to certain terms – first names or aliases only, for example. Publicity can help recruit new speakers and get the word out about VIPs and your offender treatment programs, but remember: The needs of the victims come first.

Each facility will decide whether to videotape or audiotape their VIPs. Videotapes at Treasure State Correctional Training Center have proven to be a useful tool for speakers to review their presentations and make changes for the next time.

A word of caution here: Videotaping can be a substantial distraction, and should not occur unless all VIP participants are comfortable. Obtain the necessary waivers. Who will provide the equipment and tapes? How long will the tapes be retained, and where? Who will have access to the tapes?

→ Note: The media may seek access to the tapes under public records statutes. Are victims comfortable with the possibility that their stories may be distributed to unknown audiences? Offenders who have taken responsibility for their crimes and completed their sentences may not appreciate remaining on tape for unknown audiences after they have made a successful community re-entry.

Bottom line: Each VIP is unique and dynamic, with spontaneous discussion among those parties who attend participate on that particular day. Videotaping casts this event in concrete. Give careful consideration to this decision.

Staff or other interested parties will occasionally request to observe a Victim Impact Panel. These requests should be made well in advance to the program/facility manager or VIP coordinator. Consult with the VIP facilitator, who can contact the speakers in advance. Instruct visitors to observe but not participate in the session.

Before the panel: preparing the speakers

Ask the VIP speakers to arrive early so they have time to meet staff and become acquainted with the facility. The coordinator and/or facilitator should make sure the victims are still willing to speak, feel safe in the facility, and approve of the VIP room arrangement. Are the offenders seated too close? Should we arrange the chairs differently? Is security staff visible? If a speaker decides at the last minute not to participate, respect his/her decision.

Treasure State Correctional Training Center arranges hardback chairs for the offenders in a U configuration facing the speaker. An easel pad or white board, tissues, and water are available for the speakers. Some of the speakers probably will choose to sit behind a table, while others prefer a podium.

The coordinator can offer the speakers a facility tour, but be certain that they do not agree to a tour just to be polite. Respect boundaries. Ask victims if they are comfortable with offenders as tour guides; otherwise, use staff.

The facilitator will ask speakers if there are any special concerns that need to be addressed prior to the session. Speakers may bring their own support people such as family members. Once the VIP starts, do not rescue the speakers unless they request assistance, perhaps with a pre-arranged hand signal. Allow the speakers to “drive” the session.

Provide nametags with the speakers’ first names or aliases and introduce them all at the beginning of the VIP. Ask the facilitator and speakers to avoid references to victim “stories” because the term “story” might enable the offenders to rationalize that the presentations are fictional or blown out of proportion. Instead, the speakers can say that they are “telling what happened in their lives.”

Here are a few tips for speakers, to make their experience more meaningful:

- (1) Tell about the crime – what, when, where, and how.
- (2) Explain how the crime harmed you, your family, and perhaps your community. The harm can be physical, emotional, spiritual, and financial. Examples of a community that might experience the ripple effect of crime include your circle of friends, neighborhood, church congregation, town, city, or state.
- (3) Speak from the heart, matter-of-factly. Express your emotions, including anger, freely, but without blaming or accusing the audience or targeting a particular offender. It is ok to express hopelessness, depression, powerlessness, humiliation, fear, anticipation, and helplessness if you are comfortable doing so.
- (4) Speakers are not required to forgive and offenders are not allowed to ask for forgiveness. Forgiveness is a personal choice, not a responsibility.
- (5) Keep the focus on you and the harm you have experienced. Avoid rambling about the criminal justice system in general or quoting crime statistics.
- (6) Notes are ok, but eye contact with the offenders will increase the effectiveness of your message. Prepared statements have less impact.
- (7) Jewelry can be a distraction for the offenders. Leave it at home or in your purse.
- (8) Bring photos of yourself and loved ones, and other mementos such as death certificates, letters, and awards. Let the facility staff members know how you plan to share these items. Is it ok for the audience to handle them?
- (9) Facility staff will brief participants about appropriate questions, but VIPs are not scripted. Come prepared for a remark or two from offenders, staff, or other victims that might seem insensitive.

Before the panel: Preparing the offenders

Explain the VIP to the offenders in advance, including its purpose and how it fits into the treatment strategy at your facility. Although the offenders might experience distress when they hear the presentations, the VIP is not about the offenders' needs. Instruct them to set aside their own feelings for the time being and listen closely and respectfully. They will have the opportunity to decompress later, with support.

Adopt a policy regarding questions and answers and be sure everyone knows the rules. There are many options, but a question and answer session generally enhances the VIP experience for everyone. Some victims may not appreciate impromptu questions from the floor, but might be willing to answer written questions screened by the VIP coordinator or facilitator.

If offenders will be permitted to ask questions, decide whether they will ask these questions after each speaker or at the end. Never allow an offender, staff member or other victim to interrupt a presentation. This disrespects a victim's need to be heard by a sympathetic audience.

At Treasure State Correctional Training Center, offenders in the victim impact program submit, in advance, at least five questions they would like to ask the VIP speakers. Staff gives the questions to the facilitator a week ahead of time. If your facility decides to allow offenders to submit questions during the VIP, provide pencils, paper and a few minutes between speakers for writing. Offenders must not be allowed to write questions while victims are speaking.

You might need to establish a time limit for your Q&A session, in order to meet facility schedules and speaker travel requirements. Questions and answers can be extremely productive, so allow as much time as possible. Most VIPs seem to reach a natural conclusion without being driven by clocks.

During the panel

Start the VIP on time. This will give the victims a sense of order and remind offenders that the VIP is a serious part of their programming, not a casual visit. The atmosphere should be respectful to all parties. Victim speakers may bring their own support people such as family members. Facilitators must remain in the room at all times during the VIP.

The facilitator might give a short explanation of the VIP purpose before introducing all speakers by their first names or, if they prefer, aliases. Offenders should stand up one at a time, state their names, and briefly list the crimes for which they are serving a sentence. Do not allow offenders to minimize their crimes. The statement, "I was *charged* with negligent homicide," will not do if the offender was *convicted* of negligent homicide.

Determine, in advance, about how long each victim plans to speak. Give each speaker ample time. Guard against extraneous facility noise such as loud conversations and public address system announcements during the VIP. Laughter from an adjoining room or hallway, for example, would be extremely inappropriate.

Offenders may be required to make closing statements about what they have learned from the VIP. At Treasure State Correctional Training Center, the offenders recite: "I will never victimize again." Close the VIP with a thank-you to the speakers and offenders. Maintain the respectful atmosphere by formally dismissing the offenders.

After the panel

VIPs are emotional events, so victims and offenders must have the opportunity to express their feelings in a safe atmosphere afterwards. Speaker debriefing can take place at the facility or perhaps a nearby restaurant. Be sure victims have processed their feelings before they leave for home, particularly if they are alone. Victim debriefing should include these questions with plenty of time for answers.

- (1) Did you feel safe?
- (2) How do you feel about the entire experience, including coming to the facility and meeting staff, other victims, and the offenders?
- (3) Was participation on the VIP itself comfortable?
- (4) Do you want to discuss any of the offenders' questions or behaviors?
- (5) How would you change the VIP next time?
- (6) Would you like to participate on another panel?
- (7) Would you recommend the VIP to someone else?
- (8) What would you tell a new potential speaker to help him/her be prepared?

Listening to a VIP can bring up troubling memories and thoughts for offenders as well, and may require staff intervention. Each facility or program will determine how and where to debrief the offenders. Ask questions similar to those asked of the speakers.

The VIP coordinator or facilitator should follow up with speakers within a few days, and perhaps again a month later, to see if they have questions or concerns.

Treasure State Correctional Training Center offenders who participate in the VIP write a thank-you letter to each speaker. The facility delivers the letters unless the speakers have asked not to receive them. The letters are in ink, and include the offender's name and the date of the VIP.

→ Note: Be sure the offenders clearly understand that they cannot initiate further correspondence with VIP speakers!

Safety and security first!

Each facility or program will be responsible for assuring the safety of all victims, offenders, and staff who participate in a VIP event. MDOC recommends that a correctional officer or other security staff be present during a VIP. Ask the security staff to sit or stand in one place so they are visible but not distracting.

Tracking VIP successes

The Department of Corrections asks that all facilities and programs keep records about their VIPs – who attended and the outcome. This will help DOC track VIP successes and recidivism rates, and determine if victims and offenders benefited from their participation.

Speaker recognition

Victims need recognition for their participation in a VIP. Each facility or program will develop its own recognition. A suggested certificate is included in this manual. Perhaps victims who speak at

the facility regularly may be given a special certificate that notes the number of VIPs on which they have participated.

Final thoughts

This document is truly a “guide” to help program managers design Victim Impact Panels as part of their offender treatment strategies. The DOC will eventually adopt a few VIP requirements based on national best practices. This will provide continuity from one program to the next. For the most part, however, DOC intends to offer support, as facilities determine how best to integrate a VIP into their unique offender treatment strategy.

Remember: Victims’ needs come first!

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<http://www.cor.mt.gov/Victims/default.mcp>